

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TERRE BEACH, *et al.*, individually and on behalf :
of themselves and all others similarly situated, :
:
Plaintiffs, : Case No. 17-CV-00563-JMF
:
v. :
:
JPMORGAN CHASE BANK, NATIONAL :
ASSOCIATION, JPMORGAN CHASE & :
COMPANY, *et al.*, :
:
Defendants. :
:
-----x

**NOTICE OF DEFENDANTS' MOTION TO DISMISS
THE SECOND AMENDED CONSOLIDATED COMPLAINT**

PLEASE TAKE NOTICE that, upon the Second Amended Consolidated Complaint, dated July 10, 2017 (ECF No. 55) (the "Complaint"); the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Second Amended Consolidated Complaint; the attached Declaration of Susan L. Saltzstein, dated July 27, 2017, and exhibits thereto;¹ and upon all prior papers and proceedings had herein, Defendants JPMorgan Chase Bank, National Association, JPMorgan Chase & Company, Compensation & Management Development Committee of the Board of Directors for JPMorgan Chase & Company, the Selection Committee, the Employee Plans Investment Committee, J.P. Morgan Investment Management Inc., Head of Human Resources for JPMorgan Chase & Co., Chief Financial Officer for JPMorgan Chase & Co., Benefits Director of JPMorgan Chase & Co., Terry

¹ On a motion to dismiss, the Court may consider "documents incorporated into the complaint by reference, and matters of which a court may take judicial notice." *Tellabs, Inc. v. Makor Issues & Rights, Ltd.*, 551 U.S. 308, 322 (2007); *see also Guo v. IBM 401(k) Plus Plan*, 95 F. Supp. 3d 512, 522 (S.D.N.Y. 2015) (taking judicial notice of various ERISA plan-related documents relied on in bringing the action). Copies of documents that the Court may consider on this motion, including relevant documents concerning the ERISA plan at issue in this action, public filings, and required fee disclosures that were provided to participants in the ERISA plan, are included in the accompanying Declaration of Susan L. Saltzstein, submitted herewith.

Belton, Bernadette Branosky, Corrine Burger, Sally Durdan, Thelma Ferguson, Tom Horne, Bei Ling, Pablo Sanchez, Erik Umlauf, David Watson, Michael Weinbach, Stephen B. Burke, Lee R. Raymond, William C. Weldon, John C. Donnelly, Marianne Lake, and John Does 1-20 will move this Court, before the Honorable Jesse M. Furman, United States District Judge, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York 10007, on a date and time designated by the Court, pursuant to Federal Rule of Civil Procedure 12(b)(6) and the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §§ 1101 *et seq.*, for an Order (a) dismissing the Complaint with prejudice; and (b) granting such other and further relief as this Court may deem just and proper.

Dated: July 27, 2017
New York, New York

/s/ Susan L. Saltzstein

Susan L. Saltzstein
James R. Carroll (*pro hac vice*)
Michael S. Hines (*pro hac vice*)
SKADDEN, ARPS, SLATE
MEAGHER & FLOM LLP
Four Times Square
New York, New York 10036
(212) 735-3000
susan.saltzstein@skadden.com
james.carroll@skadden.com
michael.hines@skadden.com

Counsel for Defendants

JPMorgan Chase Bank, National Association,
JPMorgan Chase & Company, Compensation &
Management Development Committee of the Board
of Directors for JPMorgan Chase & Company, the
Selection Committee, the Employee Plans
Investment Committee, J.P. Morgan Investment
Management Inc., Head of Human Resources for
JPMorgan Chase & Co., Chief Financial Officer for
JPMorgan Chase & Co., Benefits Director of
JPMorgan Chase & Co., Terry Belton, Bernadette
Branosky, Corrine Burger, Sally Durdan, Thelma
Ferguson, Tom Horne, Bei Ling, Pablo Sanchez,
Erik Umlauf, David Watson, Michael Weinbach,
Stephen B. Burke, Lee R. Raymond, William C.
Weldon, John C. Donnelly, Marianne Lake, and
John Does 1-20